

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**KATINA JACKSON AND EUGENE
WIMBERLY,**

Plaintiff,

VS.

**FAMILY DOLLAR STORES OF TEXAS,
LLC, D/B/A FAMILY DOLLAR STORE
D/B/A FAMILY DOLLAR AND FAMILY
DOLLAR**

Defendants.

CIVIL ACTION NO. 3:21-cv-150

Jury Demand

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS:

I.
COURT AND PARTY INFORMATION

1. FAMILY DOLLAR STORES OF TEXAS, LLC (incorrectly named as "Family Dollar Stores of Texas, LLC, d/b/a Family Dollar Store d/b/a Family Dollar and Family Dollar") ("Defendant") is the defendant in a civil action commenced on December 15, 2020 in the 68th Judicial District of Dallas County, Texas, entitled *Katina Jackson and Eugene Wimberly v. Family Dollar Stores of Texas, LLC, d/b/a Family Dollar Store d/b/a Family Dollar and Family Dollar*, Cause No. DC-20-18451 ("State Court Action"). Copies of the (1) Plaintiffs' Original Petition and First Request for Discovery; (2) Citation to Family Dollar Stores of Texas, LLC; (3) Citation to Family Dollar; (4) Return of Service on for Family Dollar; (5) Return of Service for Family Dollar Stores of Texas, LLC; (6) Defendant's Original Answer and Request for

Disclosure; (7) Jury Demand; and (8) the Civil Docket Sheet are attached hereto and constitute all process, pleadings and orders served in the State Court Action. *See* Index of State Court Documents attached hereto. The address for the 68th Judicial District of Dallas County, Texas is as follows: George L. Allen, Sr. Courts Building, 600 Commerce Street, 5th Floor New Tower, Dallas, Texas 75202.

2. Plaintiffs in the State Court Action are Katina Jackson ("Plaintiff Jackson") and Eugene Wimberly ("Plaintiff Wimberly") (collectively "Plaintiffs"). Plaintiffs are represented by Winston B. Line (Texas Bar No. 24068698) of The Line Law Firm, PLLC, 4131 N. Central Expressway, Suite 932, Dallas, Texas 75204, (214) 821-2882, winston@linelawfirm.com. Defendant Family Dollar Stores of Texas, LLC is the defendant in the State Court Action and is represented by Kenneth C. Riney (Texas Bar No. 24046721) and Clayton S. Carter (Texas Bar No. 24120750) of Kane Russell Coleman Logan, PC, 901 Main Street, Suite 5200, Dallas, Texas 75202, (214) 777-4200, kriney@krcl.com, ccarter@krcl.com.

II.

STATE COURT ACTION

3. Plaintiffs claim that on February 17, 2019, Plaintiff Jackson was injured when a box fell on her while she was standing in an aisle at the Family Dollar Store located at 4311 Live Oak Street., Dallas, Texas 75204.

4. Defendant requested a trial by jury in the State Court Action, and the jury fee has been paid.

III.

GROUND FOR REMOVAL

5. Defendant files this Notice of Removal on the grounds of diversity jurisdiction under 28 U.S.C. § 1332(a). A suit may be removed from state court to federal court on the

grounds of diversity jurisdiction when the suit involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where the action is pending. *See* 28 U.S.C. § 1441. The Dallas Division of the Northern District of Texas is the United States district and division embracing Dallas County, Texas, the county in which the State Court Action is pending.

A. This Notice of Removal is timely filed.

7. The citation and petition in this action were served on Defendant on December 23, 2020 by serving Defendant's registered agent. This Notice of Removal is filed within thirty (30) days of receipt of the citation and petition and is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b).

B. Complete diversity exists between the parties properly joined.

8. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446. Complete diversity exists in this case because Plaintiffs and Defendant are citizens of different states.

(i) Plaintiffs

9. As stated in Plaintiff's Original Petition, Plaintiff Jackson is a resident of Dallas County, Texas. Thus, Plaintiff Jackson is now and was at the time this action was commenced, a citizen of the State of Texas.

10. As stated in Plaintiff's Original Petition, Plaintiff Wimberly is a resident of Dallas County, Texas. Thus, Plaintiff Wimberly is now and was at the time this action was commenced, a citizen of the State of Texas.

(ii) Defendant

11. Defendant Family Dollar Stores of Texas, LLC is a limited liability company whose sole member is Family Dollar Stores of Ohio, Inc., a corporation formed under the laws of the Commonwealth of Virginia with its principal place of business now, and at the time this action was commenced, in Chesapeake, Virginia. Thus, Defendant Family Dollar Store of Texas, LLC is now and was at the time this action was commenced a citizen of the Commonwealth of Virginia and of no other state.

12. As Plaintiffs are both citizens of the State of Texas and not of the Commonwealth of Virginia, complete diversity exists pursuant to 28 U.S.C. § 1332.

C. The amount in controversy requirement is satisfied.

13. As reflected in Plaintiffs' Original Petition, the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000. Specifically, as explicitly stated in Plaintiffs' Original Petition, Plaintiffs seeks monetary relief over \$250,000 but not more than \$1,000,000. *See* Plaintiffs' Original Petition, ¶ I. Therefore, the estimate of damages that has been put at issue in this action by Plaintiffs and the amount in controversy in this action exceeds \$75,000.

14. Removal of the State Court Action is proper pursuant to 28 U.S.C. § 1441, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332(a) because Plaintiffs and Defendant are diverse in citizenship.

WHEREFORE, Defendant, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action for trial from the 68th Judicial District of Dallas County, Texas to this Court on this 22nd day of January, 2021.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Kenneth C. Riney

Kenneth C. Riney

State Bar No. 24046721

E-Mail: kriney@krcl.com

Clayton S. Carter

State Bar No. 24120750

E-Mail: ccarter@krcl.com

901 Main Street, Suite 5200

Dallas, Texas 75202

Telephone: (214) 777-4200

Facsimile: (214) 777-4299

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 22nd day of January, 2021, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for Plaintiff by operation of the Court's electronic filing system, unless counsel for Plaintiff is not registered with the CM/ECF system, in which case the undersigned certifies that a copy of the foregoing document was sent to counsel for Plaintiff via certified mail, return receipt requested.

/s/ Kenneth C. Riney

Kenneth C. Riney

7. Jury Demand 01/22/2021
8. Civil Docket Sheet

DC-20-18451
NO. _____

KATINA JACKSON and EUGENE WIMBERLY VS FAMILY DOLLAR STORES OF TEXAS, LLC, d/b/a FAMILY DOLLAR STORE d/b/a FAMILY DOLLAR AND FAMILY DOLLAR	§ § § § § § § § §	IN THE DISTRICT COURT C-68TH JUDICIAL DISTRICT DALLAS COUNTY, TEXAS
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**PLAINTIFFS' ORIGINAL PETITION
AND FIRST REQUEST FOR DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs, KATINA JACKSON and EUGENE WIMBERLY, complaining of Defendant, FAMILY DOLLAR STORES OF TEXAS, LLC, d/b/a FAMILY DOLLAR STORE d/b/a FAMILY DOLLAR, and FAMILY DOLLAR and for cause would show as follows:

I.

Pursuant to Texas Rules of Civil Procedure Rule 47, Plaintiffs seek monetary relief over \$250,000 but not more than \$1,000,000. Plaintiffs intend that discovery be conducted under Discovery Level II.

II.

Venue is proper in Dallas County, Texas because the accident made the basis of this suit occurred in Dallas County, Texas. Jurisdiction is proper because Plaintiffs seek to recover an amount within the jurisdictional limits of this Court.

III.

Plaintiff, KATINA JACKSON, is a resident of Dallas County, TX and holds:

SSN: XXX-XX-X055
TDL: XXXXX144

Plaintiff, EUGENE WIMBERLY, is a resident of Dallas County, TX and holds:

SSN: XXX-XX-X736

TDL: XXXXX726

Defendant, FAMILY DOLLAR STORES OF TEXAS, LLC, d/b/a FAMILY DOLLAR STORE d/b/a FAMILY DOLLAR, is a Texas Corporation with its principal place of business in Dallas County, Texas, and may be served as follows:

Family Dollar Stores of Texas, LLC
c/o it's registered agent CORPORATION SERVICE COMPANY D/B/A
CSC-LAWYERS INCO
211 E. 7th Street Suite 620
Austin, Texas 78701

Defendant, FAMILY DOLLAR, is a Texas Corporation or foreign corporation with principal place of business in Dallas County, Texas authorized to do business in Texas and may be served as follows:

Family Dollar
c/o any officer, or person in charge of its local business at
4311 Live Oak St
Dallas, Texas 75204

IV.

On February 17, 2019, Katina Jackson, was injured at the Family Dollar located at 4311 Live Oak St, Dallas, TX 75204. Ms. Jackson was in the process of checking out when a heavy box filled with mouthwash bottles (or large bottles filled with liquid) fell on top of her next to the checkout isle.

The store's security video shows boxes stacked on a dolly that were higher than the height of Ms. Jackson and leaning and leaning over. While reviewing the security video the store's manager and assistant manager stated the boxes were not stacked properly and looked like they were about to fall over. The manager and assistant manager also stated that they recognized the dangerous condition the day before Ms. Jackson was injured, and yet, they did nothing to address the dangerous condition.

The heavy box fell on Ms. Jackson's neck, shoulder, back, and hip causing her bodily injury. The plaintiff was injured and damaged as result of Defendants' negligence and gross negligence in one or more of the following regarding, among others:

1. Failing to discover an unreasonably dangerous condition on its premises;
2. Failing to properly warn of an unreasonably dangerous condition on its premises;
and
3. Failing to make safe an unreasonably dangerous condition on its premises.

V.

At the time Plaintiff was injured at Defendants' store, she was a business invitee on Defendants' premises.

VI.

As a result of the incident made the basis of this suit, Plaintiff KATINA JACKSON has been injured and damaged in the past and in all reasonable probability will continue to be injured and damaged in the future in one or more of the following regards, among others, in excess of the minimum jurisdiction of this court:

- 1) Medical expenses;
- 2) Physical pain;
- 3) Mental anguish;
- 4) Impairment;
- 5) Loss of earning capacity.

As a result of the incident made the basis of this suit, Plaintiff EUGENE WIMBERLY, Ms. Jackson's husband, has been injured and damaged in the past and in all reasonable probability will continue to be injured and damaged in the future in one or more of the following regards, among others, in excess of the minimum jurisdiction of this court:

- 1) Loss of consortium;
- 2) Loss of household services;

3) Spousal nursing care.

VII.

As a result of Defendants' gross negligence, each Plaintiff is entitled to recover exemplary damages for which they further sue.

VIII.

A. Request for Disclosure

Pursuant to Rule 194 Texas Rules of Civil Procedure, DEFENDANTS are requested to produce to Plaintiff Katina Jackson's attorney, within 50 days of service hereof, the items and information set out in rule 194.2 Texas Rules of Civil Procedure.

B. Interrogatories

DEFENDANT, FAMILY DOLLAR STORES OF TEXAS, LLC, d/b/a FAMILY DOLLAR STORE d/b/a FAMILY DOLLAR, is hereby requested to answer, within fifty (50) days of service of this petition and incorporated request, the interrogatories attached hereto as "Exhibit A," separately, fully, in writing, and under oath, pursuant to Rule 197 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff Katina Jackson.

C. Request for Production

All DEFENDANTS are hereby requested to produce, within fifty (50) days of service of this petition and incorporated request, the documents and tangible items in the list attached hereto as "Exhibit B," pursuant to Rule 196 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff Katina Jackson.

D. Request for Admissions

All DEFENDANTS are hereby requested to produce, within fifty (50) days of service of this petition and incorporated request, the admissions attached hereto as "Exhibit C," pursuant to Rule 198 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff Katina Jackson.

PRAYER

Wherefore, premises considered, Plaintiffs pray judgment of this court against Defendants for their actual damages, exemplary damages, costs of court, pre-judgment interest, post-judgment interest, and for such other and further relief, general or special, at law or in equity, as they may show themselves justly entitled.

Respectfully submitted,

THE LINE LAW FIRM, PLLC
4131 N. Central Expressway Suite 932
Dallas, Texas 75204

Phone: Tel. 214-821-2882
Fax. 214-821-2191
Email: winston@linelawfirm.com



By:

Winston B. Line, Attorney at Law
SBN: 24068698

“EXHIBIT A”

PLAINTIFF KATINA JACKSON’S FIRST SET OF INTERROGATORIES TO
DEFENDANTS

1. Please identify the individual providing answers to these interrogatories, to include all of the following identification information: (a) Full legal name and any other names you have used; (b) Current driver’s license and/or state ID number, including type, state of issuance, and restrictions, if any; (c) Address(es) for the past five (5) years, giving the street, street number, city, state, zip code, and foreign country.
2. Identify all individuals at the scene of this accident that checked on Plaintiff after she was injured.
3. Identify all individuals that touched, moved, stacked, or interacted with the boxes referred to in Plaintiffs’ Original Petition.
4. Who owned the store where the accident made the basis of this suit occurred?
5. Who had control of the premises where the accident made the basis of this suit occurred?
6. Identify all employees that worked at the Family Dollar made the basis of this suit the day before and the day of the accident. Please provide names, telephone numbers, and addresses for each employee.
7. List all employees, including store employees, store assistant-managers, store managers, and regional managers who discuss or communicated any details regarding the accident made the basis of this suit, to include names, telephone numbers, and addresses.

“EXHIBIT B”

PLAINTIFF’S FIRST REQUEST FOR PRODUCTION TO DEFENDANTS

1. Produce color copies of all photographs, slides, videotapes, audiotapes, charts or drawings that relate in any way to the subject matter of this lawsuit, including but not limited to photographs of the scene of the accident and **surveillance videos**. (Note: for any items requested to be produced in color, digital files may be sent to the e-mail address of counsel for Plaintiff, which is winston@linelawfirm.com, in order to save color copy costs)
2. Produce a copy of your certificate of occupancy.
3. Produce copies of any witness statements, written or electronically transcribed, that are relevant to the accident in question that are not privileged by law.
4. Produce all accident reports relating the accident made the basis of this suit.
5. Produce all documents given to employees of Family dollar that relate to stacking boxes and/or storing boxes in the store.
6. Produce all instructional material, policies, and safety material involving how boxes are stored, including all materials provided by Defendants and any third parties.
7. Produce all videos showing where the accident made the basis of this suit occurred for the 24 hours prior to this accident as well as the day of this accident.
8. Produce employment records for all employees who worked at the store made the basis of this suit. This is restricted to all employees who were present the day before and the day of the accident made the basis of this suit.
9. Produce all employment manuals and safety manuals provided to Family Dollar employees.

“EXHIBIT C”

PLAINTIFF’S FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS

ADMISSION NO. 1: Admit that you, the Defendant, were aware that the boxes made the basis of this suit could fall if not properly positioned.

ADMISSION NO. 2: Admit that the Defendant received a spoliation letter from Plaintiff.

ADMISSION NO. 3: Admit that the negligence of one or more of Defendant’s employees was the sole proximate cause of the accident made the basis of this suit.

ADMISSION NO. 4: Admit that store employees were aware of the dangerous condition made the basis of this suit the afternoon before this accident.

ADMISSION NO. 5: Admit that store employees were aware of the dangerous condition made the basis of this suit the morning before the accident.

ADMISSION NO. 6: Admit that store employees failed to remediate the dangerous condition prior to the accident made the basis of this suit.

ADMISSION NO. 7: Admit that store employees failed to warn of the unreasonably dangerous condition made the basis of this suit.

ADMISSION NO. 8: Admit that the entire accident made the basis of this suit was caught on the store’s surveillance cameras.

ADMISSION NO. 9: Admit that the store’s video cameras videoed the stacking of the boxes prior the accident made the basis of this suit.

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **FAMILY DOLLAR
BY SERVING ANY OFFICER, OR PERSON IN CHARGE OF ITS LOCAL BUSINESS AT
4311 LIVE OAK ST.
DALLAS, TX 75204**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **68th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **KATINA JACKSON**

Filed in said Court **15th day of December, 2020** against

FAMILY DOLLAR STORES OF TEXAS, LLC

For Suit, said suit being numbered **DC-20-18451**, the nature of which demand is as follows:
Suit on **PROPERTY** etc. as shown on said petition **REQUEST FOR DISCLOSURE, PRODUCTION, ADMISSIONS AND INTERROGATORIES**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of December, 2020.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By

Carlenia Bouligny
CARLENIA BOULIGNY



ATTY

CITATION

DC-20-18451

**KATINA JACKSON, et al
Vs.
FAMILY DOLLAR STORES OF TEXAS,
LLC, et al**

ISSUED THIS
21st day of December, 2020

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff
WINSTON B. LINE
THE LINE LAW FIRM
4131 N CENTRAL EXPWY #932
DALLAS TX 75204
214-821-2882
winston@linelawfirm.com**

DALLAS COUNTY CONSTABLE

**FEES
PAID**

**FEES NOT
PAID**

OFFICER'S RETURN

Case No. : DC-20-18451

Court No.68th District Court

Style: KATINA JACKSON, et al

Vs.

FAMILY DOLLAR STORES OF TEXAS, LLC, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at
_____, within the County of _____ at _____ o'clock _____ .M. on the
_____ day of _____, 20_____, by delivering to the within named

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	by _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

To certify which witness my hand and seal of office.

Notary Public _____ County _____

DALE COUNTY CONSTABLE
FEE NOT
PAID
FEE
PAID

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: FAMILY DOLLAR STORES OF TEXAS, LLC d/b/a FAMILY DOLLAR STORE
d/b/a FAMILY DOLLAR
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY
d/b/a CSC-LAWYERS INCO
211 E 7TH STREET SUITE 620
AUSTIN TX 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **68th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **KATINA JACKSON**

Filed in said Court **15th day of December, 2020** against

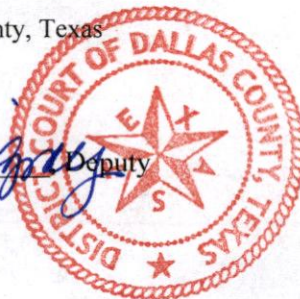
FAMILY DOLLAR STORES OF TEXAS, LLC

For Suit, said suit being numbered **DC-20-18451**, the nature of which demand is as follows:
Suit on **PROPERTY** etc. as shown on said petition **REQUEST FOR DISCLOSURE, PRODUCTION, ADMISSIONS AND INTERROGATORIES**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of December, 2020.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Carlenia Bouligny* Deputy
CARLENIA BOULIGNY



ATTY

CITATION

DC-20-18451

KATINA JACKSON, et al
Vs.
FAMILY DOLLAR STORES OF TEXAS,
LLC, et al

ISSUED THIS
21st day of December, 2020

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: CARLENIA BOULIGNY, Deputy

Attorney for Plaintiff
WINSTON B. LINE
THE LINE LAW FIRM
4131 N CENTRAL EXPWY #932
DALLAS TX 75204
214-821-2882
winston@linelawfirm.com

DALLAS COUNTY CONSTABLE
FEES PAID
FEES NOT PAID

OFFICER'S RETURN

Case No. : DC-20-18451

Court No.68th District Court

Style: KATINA JACKSON, et al

Vs.

FAMILY DOLLAR STORES OF TEXAS, LLC, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at
_____, within the County of _____ at _____ o'clock _____ .M. on the
_____ day of _____, 20_____, by delivering to the within named

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ by _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

To certify which witness my hand and seal of office.

Notary Public _____ County _____

DALLAS COUNTY CONSTABLE
FEES NOT
PAID

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: FAMILY DOLLAR
BY SERVING ANY OFFICER, OR PERSON IN CHARGE OF ITS LOCAL BUSINESS AT
4311 LIVE OAK ST.
DALLAS, TX 75204**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 68th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **KATINA JACKSON**

Filed in said Court **15th day of December, 2020** against

FAMILY DOLLAR STORES OF TEXAS, LLC

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Given under my hand and the Seal of said Court at office this 21st day of December, 2020.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By

Carlenia Bouligny
CARLENIA BOULIGNY



ATTY

CITATION

DC-20-18451

**KATINA JACKSON, et al
Vs.
FAMILY DOLLAR STORES OF TEXAS,
LLC, et al**

**ISSUED THIS
21st day of December, 2020**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: **CARLENIA BOULIGNY, Deputy**

**Attorney for Plaintiff
WINSTON B. LINE
THE LINE LAW FIRM
4131 N CENTRAL EXPWY #932
DALLAS TX 75204
214-821-2882
winston@linelawfirm.com**

DALLAS COUNTY CONSTABLE

**FEES
PAID**

**FEES NOT
PAID**

OFFICER'S RETURN

Case No. : DC-20-18451

Court No. 68th District Court

Style: KATINA JACKSON, et al

Vs.

FAMILY DOLLAR STORES OF TEXAS, LLC, et al

Came to hand on the 25 day of December, 20 20, at 8:30 o'clock A.M. Executed at 4811 Live Oak St. Dallas, TX 75204, within the County of Dallas at 2:05 o'clock P.M. on the 25 day of December, 20 20, by delivering to the within named Family Dollar by serving my officer or person in charge of it local business at 4811 Live Oak St. Dallas, TX 75204 through Natalie Aricaga morning shift manager.

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 75.00

For mileage \$ —

For Notary \$ —

of _____ County, _____
by JSC 16054 12-51-2020 Deputy

(Must be verified if served outside the State of Texas.)

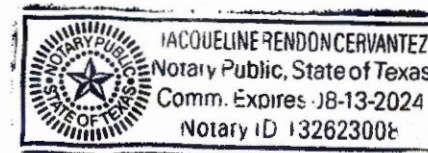
Signed and sworn to by the said John Buford Jr before me this 29 day of December, 20 20.
To certify which witness my hand and seal of office.

Notary Public

Jacqueline Rendon
Dallas

County

TX



**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **FAMILY DOLLAR STORES OF TEXAS, LLC d/b/a FAMILY DOLLAR STORE**
d/b/a FAMILY DOLLAR
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY
d/b/a CSC-LAWYERS INCO
211 E 7TH STREET SUITE 620
AUSTIN TX 78701

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 68th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **KATINA JACKSON**

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FAMILY DOLLAR STORES OF TEXAS, LLC

For Suit, said suit being numbered **DC-20-18451**, the nature of which demand is as follows:
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WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
 Given under my hand and the Seal of said Court at office this 21st day of December, 2020.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By

Carlenia Bouligny
 CARLENIA BOULIGNY



ATTY

CITATION

DC-20-18451

KATINA JACKSON, et al
Vs.
FAMILY DOLLAR STORES OF TEXAS,
LLC, et al

ISSUED THIS
21st day of December, 2020

FELICIA PITRE
 Clerk District Courts,
 Dallas County, Texas

By: **CARLENIA BOULIGNY, Deputy**

Attorney for Plaintiff
WINSTON B. LINE
THE LINE LAW FIRM
4131 N CENTRAL EXPWY #932
DALLAS TX 75204
214-821-2882
winston@linelawfirm.com

DALLAS COUNTY CONSTABLE

**FEES
PAID**

**FEES NOT
PAID**

OFFICER'S RETURN

Case No. : DC-20-18451

Court No.68th District Court

Style: KATINA JACKSON, et al

Vs.

FAMILY DOLLAR STORES OF TEXAS, LLC, et al

Came to hand on the 23 day of December, 20 20, at 9:00 o'clock A.M. Executed at 211 E 7th St #620, Austin, TX 78701, within the County of Travis at 8:00 o'clock A.M. on the 31 day of December, 20 20, by delivering to the within named Family Dollar Stores of Texas, LLC d/b/a Family Dollar Store d/b/a Family Dollar Inc. a Service Registered Agent Corporation Service Company by CMRRR(7018-3090-0000-5972-2146)

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 75
For mileage \$ 0
For Notary \$ 0

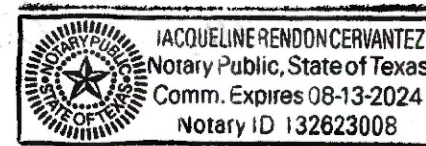
of _____ County,
by Heather Bork 75048153 Deputy

(Must be verified if served outside the State of Texas.) Exp 2/28/22

Signed and sworn to by the said Heather Bork before me this 07 day of January, 20 21,

To certify which witness my hand and seal of office.

Notary Public Dallas County TX



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>AAO</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: <i>Family Dollar Stores of Texas</i> CORPORATION SERVICE COMPANY 211 E. 7th STREET., #620 AUSTIN, TEXAS 78701</p>  <p>9590 9402 4972 9063 4048 11</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <i>12/31/20</i></p>	
<p>2. Article Number (Transfer from service label) 7018 3090 0000 5972 2146</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

CAUSE NO. DC-20-18451

KATINA JACKSON AND EUGENE	§	IN THE DISTRICT COURT
WIMBERLY,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
FAMILY DOLLAR STORES OF TEXAS,	§	
LLC, D/B/A FAMILY DOLLAR STORE	§	
D/B/A FAMILY DOLLAR AND	§	
FAMILY DOLLAR,	§	
	§	
Defendants.	§	68 TH JUDICIAL DISTRICT

**DEFENDANT FAMILY DOLLAR STORES OF TEXAS, LLC'S
ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE**

COMES NOW FAMILY DOLLAR STORES OF TEXAS, LLC (incorrectly named as "Family Dollar Stores of Texas, LLC, d/b/a Family Dollar Store d/b/a Family Dollar and Family Dollar") ("Defendant Family Dollar") and files this, its Original Answer and Request for Disclosure and, in support thereof, would show the Court as follows:

**I.
GENERAL DENIAL**

Defendant Family Dollar places in issue all matters contained in Plaintiffs' Original Petition and any amendments thereto, by general denial, pursuant to Rule 92 of the Texas Rules of Civil Procedure.

**II.
JURY DEMAND**

Defendant Family Dollar respectfully demands a trial by jury.

III.

Defendant Family Dollar asserts that the alleged dangerous condition was open and

obvious and/or known to Plaintiff Katina Jackson ("Plaintiff Jackson").

IV.

Defendant Family Dollar asserts that Plaintiff Jackson was negligent with respect to the occurrence in question and that her negligence, fault, assumption of the risk, acts and/or omissions were the sole proximate cause, or in the alternative, a contributing proximate cause of this occurrence and Plaintiffs' damages, if any.

V.

Defendant Family Dollar asserts that in accordance with Section 33.013 of the Texas Civil Practice & Remedies Code, this Defendant may not be held jointly and severally liable for any amount of damages claimed herein unless the percentage of responsibility of this Defendant when compared with that of each responsible party, each settling person, and each responsible third party, is greater than fifty percent (50%).

VI.

Defendant Family Dollar alleges that Plaintiffs' claims for damages are barred in whole or in part, due to their failure to mitigate damages.

VII.

Defendant Family Dollar asserts that Plaintiffs' claims are barred in whole or in part in that Plaintiff Jackson's injuries and/or damages, if any, are the result, in whole or in part, of a preexisting and/or subsequent condition(s) and/or disability, and are not the result of any act and/or omission of this Defendant.

VIII.

Defendant Family Dollar invokes the limitation on liability for medical or health care expenses as provided by section 41.0105 of the Texas Civil Practice and Remedies Code.

Specifically, Plaintiff Jackson is limited to recovery of medical or health care expenses actually paid or incurred by or on behalf of Plaintiff Jackson, not to include amounts adjusted, discounted or written-off.

IX.

Defendant Family Dollar asserts that Plaintiff Jackson's damages with respect to loss of earnings and/or loss of earning capacity, if any, are limited to a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law, pursuant to section 18.091 of the Texas Civil Practice and Remedies Code.

X.

Defendant Family Dollar hereby invokes its entitlement to all definitions, instructions, defenses and limitations provided by Chapter 41 of the Texas Civil Practice and Remedies Code, including but not limited to, sections 41.003, 41.004, 41.005, 41.006, 41.007, 41.008, 41.009 and 41.012.

XI.

Defendant Family Dollar denies any alleged act or omission under the circumstances herein justify any claim for exemplary or punitive damages. Such claims as against Defendant Family Dollar are in violation of the 5th and 14th Amendments to the United States Constitution, and Article 1, sections 3 and 19 of the Texas Constitution, in that such claims as made are arbitrary, unreasonable, and in violation of Defendant Family Dollar's rights to due process and equal protection of the law. Plaintiffs' claims are unconstitutionally vague to the extent that any claims of Plaintiffs against Defendant Family Dollar should be proven beyond a reasonable doubt under the 6th Amendment of the United States Constitution, as opposed to a mere clear and convincing evidence. Defendant Family Dollar further asserts that any claim for punitive

damages in a civil matter constitutes an excessive fine in violation of the 8th Amendment to the United States Constitution.

XII.

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant Family Dollar hereby places the parties to this suit on notice of its intent to use all documents produced by the parties in response to written discovery in all pretrial proceedings and/or at trial of the above-entitled and numbered cause.

XIII.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant Family Dollar requests that Plaintiffs disclose the information set forth in items (a)-(l) of Rule 194.2 of the Texas Rules of Civil Procedure within thirty (30) days after service of this Request.

WHEREFORE, PREMISES CONSIDERED, Defendant Family Dollar prays that Plaintiffs take nothing by their suit, that Defendant Family Dollar recover all costs, and for such other and further relief to which Defendant Family Dollar may show itself to be justly entitled, both at law and in equity.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Kenneth C. Riney
Kenneth C. Riney
State Bar No. 24046721
E-Mail: kriney@krcl.com
Clayton S. Carter
State Bar No. 24120750
E-Mail: ccarter@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4200
Facsimile: (214) 777-4299

**ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR STORES OF TEXAS, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of foregoing has been served on the 12th day of January 2021, as follows:

VIA E-SERVICE: winston@linelawfirm.com

Winston B. Line
The Line Law Firm, PLLC
4131 N. Central Expressway, Suite 932
Dallas, Texas 75204

/s/ Kenneth C. Riney
Kenneth C. Riney

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Vicki Sedon on behalf of Kenneth Riney
 Bar No. 24046721
 vsedon@krcl.com
 Envelope ID: 49630954
 Status as of 1/13/2021 10:56 AM CST

Associated Case Party: KATINA JACKSON

Name	BarNumber	Email	TimestampSubmitted	Status
Winston B.Line		winston@linelawfirm.com	1/12/2021 2:21:59 PM	SENT

Associated Case Party: FAMILY DOLLAR STORES OF TEXAS, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
LISA ENDTRICHT		lendtricht@krcl.com	1/12/2021 2:21:59 PM	SENT
Vicki Sedon		vsedon@krcl.com	1/12/2021 2:21:59 PM	SENT
ASHLEY RIVERA		arivera@krcl.com	1/12/2021 2:21:59 PM	SENT
Kenneth C.Riney		kriney@krcl.com	1/12/2021 2:21:59 PM	SENT
Clayton S.Carter		ccarter@krcl.com	1/12/2021 2:21:59 PM	SENT

January 22, 2021

By E-Filing

Rhonda Pinson, Court Coordinator
68th Judicial District Court
Dallas County, Texas

Re: Cause No. DC-20-18451; *Katina Jackson vs. Family Dollar Stores of Texas, LLC, d/b/a Family Dollar Store d/b/a Family Dollar*; In the 68th Judicial District Court, Dallas County, Texas

Dear Ms. Pinson:

This correspondence will confirm payment of the Jury Fee in the above-referenced matter on behalf of Family Dollar Stores of Texas, LLC.

If you have any questions, please feel free to contact me.

Very truly yours,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Clayton S. Carter
Clayton Carter

CC/vs

cc via e-service:

Winston B. Line

Dallas

901 Main Street
Suite 5200
Dallas, Texas 75202
214.777.4200

Houston

5051 Westheimer Road
Suite 1000
Houston, Texas 77056
713.425.7400

Automated Certificate of eService

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Vicki Sedon on behalf of Kenneth Riney
 Bar No. 24046721
 vsedon@krcl.com
 Envelope ID: 49931598
 Status as of 1/22/2021 11:16 AM CST

Associated Case Party: KATINA JACKSON

Name	BarNumber	Email	TimestampSubmitted	Status
Winston B.Line		winston@linelawfirm.com	1/22/2021 9:23:55 AM	SENT

Associated Case Party: FAMILY DOLLAR STORES OF TEXAS, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
LISA ENDTRICHT		lendtricht@krcl.com	1/22/2021 9:23:55 AM	SENT
ASHLEY RIVERA		arivera@krcl.com	1/22/2021 9:23:55 AM	SENT
Kenneth C.Riney		kriney@krcl.com	1/22/2021 9:23:55 AM	SENT
Clayton S.Carter		ccarter@krcl.com	1/22/2021 9:23:55 AM	SENT
Vicki Sedon		vsedon@krcl.com	1/22/2021 9:23:55 AM	SENT

Case Information

DC-20-18451 | KATINA JACKSON, et al vs. FAMILY DOLLAR STORES OF TEXAS, LLC, et al

Case Number

DC-20-18451

File Date

12/15/2020

Court

68th District Court

Case Type

PROPERTY

Judicial Officer

HOFFMAN, MARTIN

Case Status

OPEN

Party

PLAINTIFF

JACKSON, KATINA

Active Attorneys▼

Lead Attorney

LINE, WINSTON B.

Retained

PLAINTIFF

WIMBERLY, EUGENE

Active Attorneys▼

Lead Attorney

LINE, WINSTON B.

Retained

DEFENDANT

FAMILY DOLLAR STORES OF TEXAS, LLC

Aliases

DBA FAMILY DOLLAR STORE

DBA FAMILY DOLLAR

Address

Active Attorneys▼

Lead Attorney

RINEY, KENNETH C

Retained

BY SERVING ITS REGISTERED AGENT, CORPORATION
SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN TX 78701

DEFENDANT
FAMILY DOLLAR

Address
BY SERVING ANY OFFICER OR PERSON IN CHARGE
4311 LIVE OAK ST
DALLAS TX 75204

Events and Hearings

12/15/2020 NEW CASE FILED (OCA) - CIVIL

12/15/2020 ORIGINAL PETITION ▼

ORIGINAL PETITION

12/15/2020 ISSUE CITATION ▼

FAMILY DOLLAR STORES OF TEXAS, LLC - ATTY

FAMILY DOLLAR - ATTY

12/21/2020 CITATION ▼

Served

12/23/2020

Anticipated Server

ATTORNEY

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned 12/30/2020 Comment FAMILY DOLLAR
12/21/2020 CITATION ▼ Served 12/31/2020 Anticipated Server ATTORNEY Anticipated Method Actual Server OUT OF COUNTY Returned 01/11/2021 Comment FAMILY DOLLAR STORES OF TEXAS, LLC
12/30/2020 RETURN OF SERVICE ▼ EXECUTED CITATION - FAMILY DOLLAR Comment EXECUTED CITATION - FAMILY DOLLAR
01/11/2021 RETURN OF SERVICE ▼ EXECUTED CITATION: FAMILY DOLLAR STORES OF TEXAS, LLC Comment EXECUTED CITATION: FAMILY DOLLAR STORES OF TEXAS, LLC
01/12/2021 ORIGINAL ANSWER - GENERAL DENIAL ▼ ORIGINAL ANSWER - FAMILY DOLLAR STORES OF TEXAS LLC
01/22/2021 JURY DEMAND ▼ JURY DEMAND

Financial

JACKSON, KATINA

Total Financial Assessment	\$324.00
Total Payments and Credits	\$324.00

12/17/2020	Transaction Assessment	\$324.00
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12/17/2020	CREDIT CARD - TEXFILE (DC)	Receipt # 78628- 2020-DCLK	JACKSON, KATINA	(\$324.00)
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FAMILY DOLLAR STORES OF TEXAS, LLC

Total Financial Assessment	\$40.00
Total Payments and Credits	\$40.00

1/22/2021	Transaction Assessment	\$40.00
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1/22/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 4277- 2021-DCLK	FAMILY DOLLAR	(\$40.00)
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Documents

ORIGINAL PETITION

FAMILY DOLLAR STORES OF TEXAS, LLC - ATTY

FAMILY DOLLAR - ATTY

EXECUTED CITATION - FAMILY DOLLAR

EXECUTED CITATION: FAMILY DOLLAR STORES OF TEXAS, LLC

ORIGINAL ANSWER - FAMILY DOLLAR STORES OF TEXAS LLC

JURY DEMAND

